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GENERAL NOTICE

NOTICE 1869 OF 2005**DEPARTMENT OF TRADE AND INDUSTRY****CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT,
1988**

I, Mandisi Mphahlela, MP, Minister of Trade and Industry, do hereby, in terms of section 10(3) of the Consumer Affairs (Unfair Business Practices) Act, 1988 (Act No. 71 of 1988, the Act), publish the arrangement dated 31 March 2005 entered into between the Consumer Affairs Committee and Star Choice Trading (Pty) Ltd t/a Toucan Travel Club and its Directors.



M B M MPAHLWA

MINISTER OF TRADE AND INDUSTRY

UNDERTAKING BY MR LANCE JERRARD, THE MANAGING DIRECTOR OF STAR CHOICE TRADING (PTY) LTD TRADING AS TOUCAN TRAVEL CLUB IN TERMS OF SECTION 9 OF THE CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT NO. 71 OF 1988

I, Lance Jerrard (ID No.: 661111 5001 083), the Managing Director of Star Choice Trading (Pty) Ltd (Star), trading as Toucan Travel Club (Toucan), am aware that the Consumers Affairs Committee (the Committee) conducted an investigation in terms of section 4 (1)(c) of the Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988 (the Act), as a result of a small advertisement, approximately 70mm by 50mm, which was distributed at road intersections, and came to the attention of an investigating official of the Consumer Investigations Directorate (the Directorate). The following was printed on the card:

“Limited Business Opportunity”

A unique, professional, no nonsense program, throughout South Africa, since 1996, presents an immediate and exceptional opportunity to the future business person with a genuine commitment to their financial future.

Most of our people earn over **R25 000** per month from home. No Gimmicks! No Multilevel Marketing! No door to door sales! Set up cost R4 850. Ready to operate from Day One

We are also aware that following a section 4(1)(c) investigation by the Committee, the Committee is of the opinion that our business practice where advertisements are circulated and/or distributed to the public promising earnings “over R25 000 per month” is misleading and constitutes a *prima facie* unfair business practice as defined in the Act

Officials of the Committee advised that our advertisement was misleading and requested detailed information and explanation on the business of TTC.

I, as the Managing Director of TTC, failed to furnish the required information and approached C.A Schoeman Attorneys (Attorneys) for assistance. I, after careful consideration of the matter and based on my attorneys advice decided, without prejudice, to terminate this business venture, practice or method of trading including any method of marketing or distribution of any type.

I view of the above I, Lance Jerrard, undertake to ensure that Star Choice Trading (Pty) Ltd, trading as Toucan Travel Club and myself:

- refrain from advertising a business where unsubstantiated claims of earnings and / or profits are made to the public; and
- refrain from applying, operating, conducting, promoting or causing to operate the unfair business practices;

I understand that any contravention of this undertaking shall lead to an investigation in terms of section 8(1)(a) of the Act. I further understand that a contravention may also lead to a referral to a criminal investigation which may result in a penalty of a fine not exceeding R20 000 or to imprisonment not exceeding two years or both the fine and the imprisonment in terms of Section 15(b) of the Act

A contravention of this arrangement is a criminal offence in terms of the Act



Mr Lance Jerrard

Signed on the 31st of March 2005.

1. Witness



Signed on the 31st of March 2005.

2. Witness



Signed on the 31st of March 2005.

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